

ORDINANCE NO. 97- 10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS SERIES OF THE LAND USE ELEMENT; ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT; MODIFYING FUTURE LAND USE ATLAS PAGE 76 BY CHANGING A 4.567 ACRE PARCEL OF LAND GENERALLY LOCATED AT NORTHWEST CORNER OF THE INTERSECTION OF LAKE WORTH ROAD AND THE FLORIDA TURNPIKE, FROM COMMERCIAL, WITH AN UNDERLYING LAND USE OF LOW RESIDENTIAL 2 TO COMMERCIAL HIGH AND COMMERCIAL LOW-OFFICE, WITH AN UNDERLYING LAND USE OF RESIDENTIAL 2; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and



1           WHEREAS, the proposed amendment meets the criteria of a  
2 small scale development amendment per Section 163.3187(1)(c),  
3 Florida Statutes; and

4           WHEREAS, the Palm Beach County Local Planning Agency  
5 conducted a public hearing on March 14, 1997, to review the  
6 proposed amendment to the Palm Beach County Comprehensive Plan  
7 and made a recommendation regarding the proposed amendment to the  
8 Palm Beach County Board of County Commissioners pursuant to  
9 Chapter 163, Part II, Florida Statutes at the conclusion of the  
10 public hearing; and

11           WHEREAS, the Palm Beach County Board of County  
12 Commissioners, as the governing body of Palm Beach County,  
13 conducted a public hearing pursuant to Chapter 163, Part II,  
14 Florida Statutes, on Thursday, April 24, 1997 to review the  
15 recommendation of the Local Planning Agency; and

16           WHEREAS, the Palm Beach County Board of County Commissioners  
17 has determined that the amendment complies with all requirements  
18 of the Local Government Comprehensive Planning and Land  
19 Development Regulation Act.

20  
21           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
22 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

23  
24           Part I. Amendment to the Future Land Use Atlas of the Land  
25 Use Element of the 1989 Comprehensive Plan

26           An Amendment to the Land Use Element's Future Land Use Atlas  
27 of the Palm Beach County 1989 Comprehensive Plan, is hereby  
28 adopted as follows:

29           A. Future Land Use Atlas page 76 is amended as follows:

1           Application No.:     SCA 76 COM 1  
2           Amendment:         From 4.567 acres of Commercial (C) with  
3                                 an underlying Low Residential (C/2) to  
4                                 Commercial High (CH) with an underlying  
5                                 Low Residential 2 (CH/2).  
6           General Location:   At the northwest corner of Lake Worth  
7                                 Road and the Florida Turnpike.  
8           Size:               4.567 acres

9  
10          B.    The amendment is subject to the following condition:  
11                Prior to August 1, 1997, the property owner shall  
12                convey to Palm Beach County additional right-of-way  
13                required for a right turn lane along the northside of  
14                Lake Worth Road for the property owner to the west.  
15                The additional right-of-way shall be twelve (12) foot  
16                in width and two hundred eighty (280) feet in length  
17                and shall have a taper length of fifty (50) feet. The  
18                property owner shall provide the County with sufficient  
19                documentation acceptable to the right-of-way  
20                acquisition section, Engineering Department to ensure  
21                that the property is free of all encumbrances and  
22                encroachments.

23          C.    A legal description for the parcel depicting the  
24                amendment is attached to this ordinance as Exhibit 1.

25          D.    A map depicting the amendment is attached to this  
26                ordinance as Exhibit 2.

27          Part II. Effective Date

28                This amendment shall not become effective until 31 days  
29                after adoption. If challenged within 30 days after adoption,



1 this amendment shall not become effective until the state land  
2 planning agency or the Administration Commission, respectively,  
3 issues a final order determining the amendment is in compliance.

4 APPROVED AND ADOPTED by the Board of County Commissioners of  
5 Palm Beach County, on the 24 day of April, 1997.

6  
7 DOROTHY H. WILKEN

PALM BEACH COUNTY, FLORIDA,  
8 BY ITS BOARD OF COUNTY COMMISSIONERS

9  
10  
11 By: Joan Hawerke

12 Deputy Clerk

13 [Signature]  
14 Chairman



15  
16  
17 APPROVED AS TO FORM AND  
18 LEGAL SUFFICIENCY

19 [Signature]  
20 COUNTY ATTORNEY

21  
22  
23  
24 Filed with the Department of State on the 30 day of  
25 April, 1997.



LEGAL DESCRIPTION:

Petition 89-53 legal description:

A parcel of land in Tract 64, Block 24, Palm Beach Farms Company Plat No. 3, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45 to 54, inclusive; more particularly described as follows:

The south 227.34 feet of the east 182.00 feet of the following described parcel:

Beginning at the southwest corner of said Tract 64 for the point of beginning; thence run northerly along the west line of said Tract 64 a distance of 660 feet, more or less, to the northwest corner thereof; thence run easterly along the north line of Tract 64 329.28 feet to a point; thence run southerly a distance of 660 feet, more or less, to a point in the south line of Tract 64; thence run westerly 329.62 feet along the south line of said Tract 64 to the point of beginning; less State Road 802 right-of-way and less the following described portion thereof: commencing at the intersection of the west line of said Tract 64, Block 24, and the north right-of-way line of State Road No. 802 (Lake Worth West Road) as now laid out and in use; thence northerly along the west line of said Tract 64, Block 24, a distance of 176.00 feet to the point of beginning; thence continue northerly, along the west line of said Tract 64, Block 24, a distance of 55.26 feet to a point; thence easterly, making an angle with the preceeding course of  $80^{\circ} 27' 25''$  measured from south to east, a distance of 25.02 feet to a point; thence run southerly, at right angles, to the preceeding course, a distance of 54.50 feet to a point; thence run westerly, at right angles to the preceeding course, a distance of 15.86 feet to the point of beginning.

Contains 1.000 acres more or less

Subject to all restrictions, reservations, right-of-ways and easements of record, if any.

Petition 89-54 legal description:

A parcel of land lying in Tract 64, Block 24, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 to 54, described as follows: Beginning at the southwest corner of said Tract 64 for the Point of Beginning, thence run northerly along the west line of said Tract a distance of 660.00 feet more or less to the northwest corner thereof; thence run easterly along the north line of said Tract 329.28 feet to a point; thence run southerly a distance of 660.00 feet to a point in the south line of said Tract; thence run westerly 329.62 feet along the south line of said Tract to the Point of Beginning; less State Road 802 right-of-way and less the following described portion, thereof, to wit: commencing at the intersection of the west line of said Tract 64, Block 24, and the north right-of-way line of State Road No. 802 (Lake Worth West Road), as now laid out and in use, thence northerly along the west line of said Tract 64, Block 24, a distance of 188.00 feet to the point of Beginning; thence continue northerly, along the west line of said Tract 64, Block 24, a distance of 55.26 feet to a point; thence easterly, making an angle with the preceding course of  $80^{\circ}$



27' 25" measured from south to east, a distance of 25.02 feet to a point; thence southerly, at right angles to the preceding course, a distance of 54.50 feet to a point; thence westerly, at right angles to the preceding course, a distance of 15.86 feet to the Point of Beginning.

Containing 3.537 acres more or less.

Subject to all restrictions, reservations, right of ways and easements of record, if any.

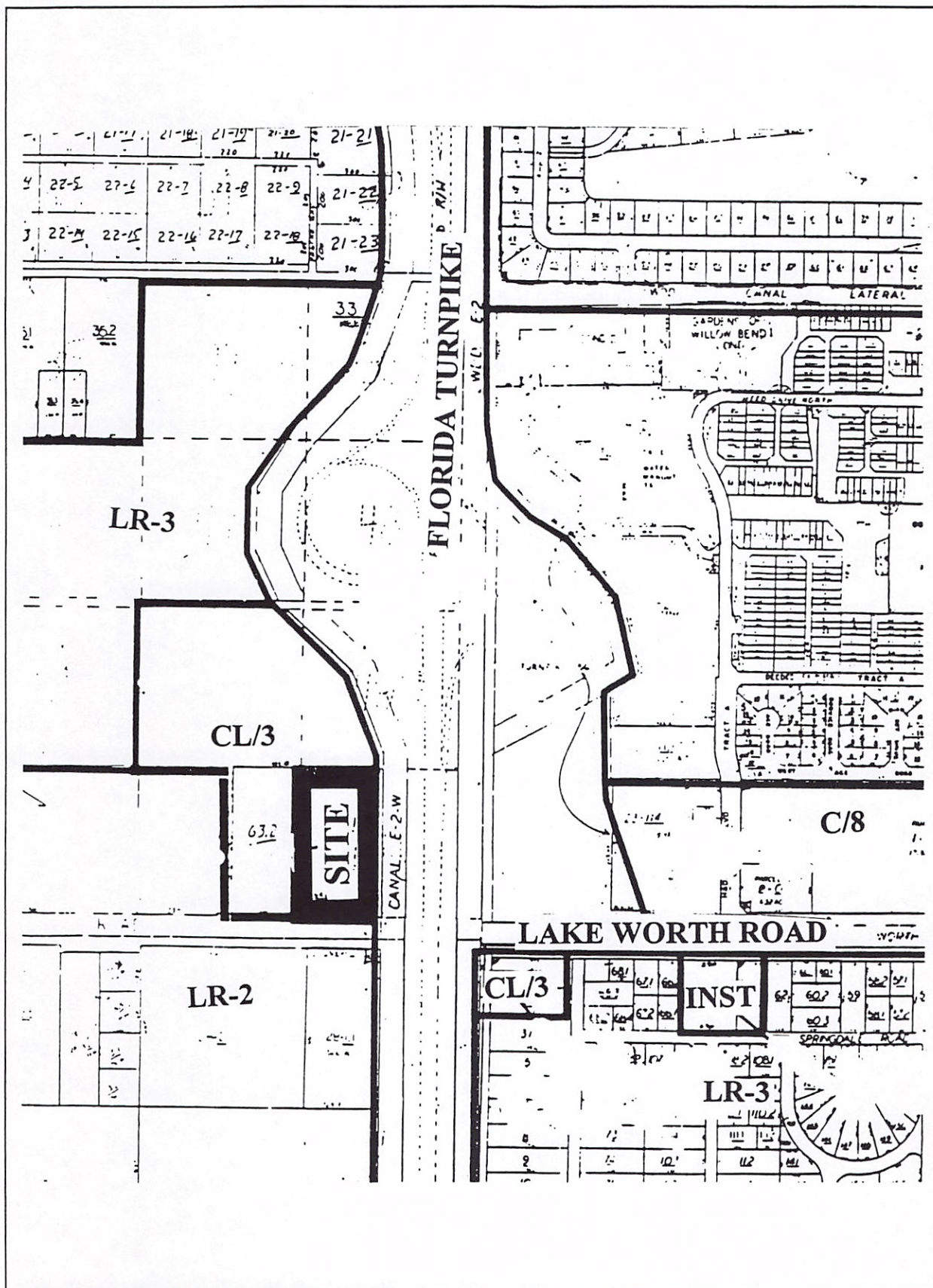
Together with a parcel described as follows:

The north 55.26 feet of the south 243.26 feet of the westerly 25.02 feet of Tract 64 in ORB 656, Pg 275, Block 24, Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Pages 45 through 54 inclusive, in the public records of Palm Beach County, Florida.

Containing .03 acres more or less.



00-42-43-27-05-024-0643



I:COMMON/PLANNING/CURRENT/AMEND/MAPBOX.WPD

STATE OF FLORIDA, COUNTY OF PALM BEACH  
DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners, certify that to be a  
true and correct copy of the original filed in my office  
on 4/24/97  
DATED at West Palm Beach, FL on 5/7/97  
DOROTHY H. WILKEN, Clerk  
By Dorothy H. Wilken For use D.C.